

MINUTES OF CEDAR VALLEY DISTRIBUTION SYSTEM  
HELD MONDAY, FEBRUARY 10, 1975  
8:00 P.M.

The meeting was called to order by Mr. Donald Norseth, representing the Division of Water Rights. Mr. Norseth indicated that this was the annual meeting of the Distribution System, and that it was held for the purpose of discussing Distribution procedures, what we did and what we should do during the coming year. He also stated that this meeting usually included four or five items: Minutes of the previous meeting, Report of the financial budget to cover any anticipated expense, and the election of a Water Commissioner. Mr. Norseth also indicated that at the end of the meeting any questions from the members present would be answered.

Mr. Norseth then introduced Mr. John Bene, Deputy State Engineer, Mr. Gerald Stoker, Local State Engineer, and Mr. Lloyd Austin of the Division of Water Resources.

Mr. Norseth stated that the snow picture up north looks better than it does here. It is normal from Spanish Fork on north. Duchesne is down to about 70%, Price, 75%-90%, Panguitch, 15% of normal, 50% is a good estimate on Pine Valley, and he had not been informed of the percentage here. The Uinta Basin does not look good, and the total water picture will depend on what we get from now on.

Mr. Norseth then turned the meeting to Mr. Jerry Bryant, Vice Chairman, acting in the absence of Mr. Lorenzo Luke, Chairman. Mr. Bryant then turned the meeting to Mr. Earl Tuttle, of the SCS, for his report.

EARL TUTTLE:

Mr. Tuttle indicated that the water picture is about like we expected it would be. The snow survey was made the last few days of January, and here the snow course is running about 75%-78%, and the lower we go, the worse it looks. Midway has about 12.9 feet of water or 75% of average; Long Valley Junction, 15% of average; SUSC Ranch, 38%, Brian Head, above the condominiums, 13.5 feet of water on the snow course or 78%; Tall Poles, below Brian Head, 67%; Harris Peak, 46%; Duck Creek, 66%. Mr. Tuttle said that if we get a little extra snow in February and March on the high snow courses they will be good, but the low snow courses are really short. In the Escalante Valley they had very little snow the last of December.

LaRee Garfield, Secretary, then read the minutes for the 1974. A correction was made. Howard Nelson then made the motion that the minutes be approved. Ivan Matheson seconded the motion, and the minutes were approved as corrected.

FINANCIAL REPORT: (Copy attached and made a part hereof by reference).

The Financial Report was read by Mr. Donald Norseth. He reported that letters were sent to all delinquents last year, and that there are 16 this year. This consists of three old accounts, five which sent their payments in late, and eight current delinquencies on the 1974 assessments. The order is out to shut off the wells of the three delinquents. Mr. Norseth then asked as to the address of the Foster Brothers. Clemont Adams reported that this well is defunct and that the rights have been transferred out, part to a subdivision. Mr. Norseth reported that he continued sending out notices, and they always came back. Mr. Norseth asked about Clark Livestock Company, and Mr. Adams reported that Richard Clark runs this operation. Axtel Burnston will be taken care of by Mr. Adams. Dancing Breeze should be sent to Nadine Ford in Las Vegas. The three delinquent accounts from last year are Hunger Gibson, Foster Brothers and Arthur Fife. Jerry Bryant asked if there were any questions on the report, and since there appeared to be none, Louis Webster made the motion

that the Financial Report be approved, and this motion was seconded by Dr. J. S. Prestwich, and unanimously passed by the members present.

#### WATER COMMISSIONER'S REPORT:

A copy of this report was given to the heads of the various fields prior to the meeting, and a copy of the same is attached hereto and made a part hereof by reference.

Clemont reported that this meeting must be getting to be unimportant, as there were not too many companies represented.

He stated that a committee needs to be appointed with a chairman to do the work, and he will be happy to meet with them. He said that a good strong pumpers committee needs to be formed, as his greatest problems right now are with the subdivision wells. The power company does not keep records on subdivision wells and that they are all computerized and are on a different rate than the irrigation wells. Clemont reported that he charged the subdivision well a maximum rate. He also mentioned that when he puts a tag on a broken meter, the people in the subdivision become angry with him, and that at the present time, this is a major problem.

Clemont reported that over 100 hours had been spent putting the Report together, because things didn't check out. Clemont then read the report.

Because the sill will still probably wash off, Clemont will get some old curb and gutter from the City and put it in there.

The North diversion dam needs to be repaired as recommended last year, but still nothing has been done with it. Clemont said he would really be concerned if he were the men involved with this dam.

The recommendations included in the report were changed as follows:

1. Leave the mileage allowance at \$.16 a mile for the Commissioner and \$.18 per mile for the deputy, with a percentage increase for gas in the event the cost goes up;
2. Leave the budget at \$900.00--give him \$100.00 per month as the salary for getting the meters read.
3. Repair the North Diversion Dam.
4. Allow some money to have some backhoe work done at the sill.
5. The weirs need to have gauges in working order.
6. The subdivision people should be brought into this meeting.
7. The State Engineer should advise Clemont when a new well is being drilled.
8. An effective pumpers committee should be established.

Clemont went on to explain that the Report is color coded. The green sheets show the gravity rights in the system; the white sheets show how much water each company user actually used. There was a total of 13,469 acre feet of water used, one of the lowest years in a long time. The yellow sheets show the water used by each individual pumper.

Dee Rindlesbach asked about Monte Vista on page 36 of the Water Commissioner's Report. He reported that the second claim is not a part of Monte Vista and is not a part of their claim. He also stated that there is a well in the same area, but it does not belong to Monte Vista Water Company. It was apparently drilled by D. W. Corry and probably belongs to them. The well is not capped, and it has no relationship to Monte Vista Acres. This well is approximately 250 feet East of the Monte Vista well.

Jerry Bryant asked if the well belonged to Monte Vista #2, but Mr. Rindlesbach said that it did not belong to them in any way. Clemont said that he thought that something should be done about capping that well, and Mr. Rindlesbach requested that definitely something should be done about getting it capped, as it is dangerous with children playing around the well area. Clemont said that he would talk to Clayton Frehner about it and suggest that something be done.

Ramon Prestwich asked about over pumping. There are four or five big companies that did over pump some 200-250 acre feet per month. The people have been advised that they cannot pump until the deficit is covered from last year. It is the owner's responsibility to pump his right of water, and not Clemont's. Clemont reported that he will work with the people who have overpumped, and a person has only so much right out of a well, and when the water is gone, it's gone. Richard Leigh asked why some arrangements could not be made to transfer some water into their well to cover last year's deficit, and Clemont said that this is the legal way to do it.

Dr. Prestwich asked about the subdivision wells. He suggested that when these wells are applied for or proved up on, that Clemont receive a notice of this and a description of the area where they are located so that he would know about it and could check on it immediately. Mr. Norseth stated that it can be worked out and that when the wells are approved Clemont would receive a notice. Clemont recommended that the people buying into a company be given a notice and that a \$25.00 penalty be served. Dee Rindlesbach reported that Monte Vista has a large well and a well-maintained system for the use of the people there. It is culinary water; has a good meter on it, and because of health standards, they will provide, as soon as the weather permits, a window on it so that Clemont can see into the meter. He also indicated that the key to the well house will not be available unless he, Mr. Rindlesbach, is contacted personally. He stated that they will work with Clemont one hundred per cent, and that they do not wish to cause any problems. Clemont reported that Monte Vista has cooperated with him, but most of the others have not. Mr. Rindlesbach further stated that they work for sanitation purposes, and that they have things under control in Monte Vista.

Clemont stated that he has two wells he did not know were drilled and that he has to go track them down. Mr. Rindlesbach reported that laws and the enforcement of them is the thing that creates the problem for Clemont, and Clemont reported that he operated under the Utah State Laws. Ivan Matheson reported that they have tried to get officers to enforce the laws and that the County Commission cannot be blamed entirely, and that a new man has been hired specifically for enforcing subdivision laws.

Clemont reported that copies of his report since 1955 can be found in the public library, and that each of the company presidents received a copy of his report. Clemont then resigned as Water Commissioner, but stated that if we preferred, he will work at it as he did last year with his boys. He also recommended that someone else should be learning what he has learned over the past 16 years and begin to pick it up. Jerry Bryant then asked for any further questions. Richard Leigh made the motion that we approve the Water Commissioner's Report; the motion was seconded by Wesley Bauer; passed unanimously by the members present.

BUDGET AND SALARY FOR 1975: Mr. Norseth thought that perhaps a Commissioner should be appointed first. Dr. Prestwich asked if Clemont could work under the same terms as the previous year, and Clemont said that he would rather not have the job, but that he would do it with the help of his boys. He said he could take care of it if he were authorized to have an increase in mileage in case the price of gas goes up. He also reported that it was difficult to put together the report because of the lack of information. Dr. Prestwich then asked if Clemont's son, Don, could take over in case Clemont could not, and Clemont said that Don did not want to do it. Dr. Prestwich then asked if there was anyone interested in taking over the job in case something happened to Clemont. Dr. Prestwich then made the motion that we approve Clemont as the Water Commissioner; the motion was seconded by Louis Webster, and unanimously passed.

Mr. Norseth then asked about the \$900.00 recommended salary for the Commissioner and stated that that would be about \$100.00 per month. Concerning the mileage for the Commissioner, that figure will stand unless the President gets an increase in fuel prices, then the mileage allowance will have to go up percentage wise. The recommended amount for the Miscellaneous Account was \$138.82; this would round the total budget off at \$5,215.00. Mr. Bene asked that the \$130.00 figure on social security tax be rounded off to \$150.00 and the State Retirement to \$120.00. Mr. Norseth said that if we round off the budget to \$5,600.00, it should take care of any miscellaneous expenses. Jerry Bryant asked if there were any further questions concerning the budget; there appeared to be none. Ivan Matheson made the motion that we accept the budget as discussed, Dr. Prestwich seconded the motion, and it was unanimously passed. The total 1975 assessment will remain the same, \$4,800.00.

Jerry Bryant asked for any other business that needed to come before the group. Dr. Prestwich thought that we should go into the subdivision wells a little further. He stated that he thought that the people should know what the law is and what they should do just like the irrigators. Jerry Bryant then asked what ways are open to alleviate this problem, and Mr. Norseth reported that there are problems in this regard all over the State, and that they are a big problem. He said that this is just something we will have to work out. In Summit County, for example, they have worked with the County Commission and are getting it in the planning stage before the subdivision actually gets in. Brent Hunter then asked if there was not someone in every subdivision responsible for this sort of thing, and Mr. Norseth said that many of these are "fly by night" deals. Dr. Prestwich suggested that when a well is transferred, the problem could be met there, but Mr. Norseth said that to be made to do something and to do it are two different things. The only recourse is to shut off the well, and then the person responsible is in court. Louis Webster suggested that an active pumpers committee could solve a lot of the problems and work at it that way, and Mr. Norseth agreed and further stated that it would take a coordinated effort to take care of the problem, and that it should be regulated.

Dee Rindlesbach apologized to Ivan Matheson for accusing the County Commission, but he said had the County Commission, the water users and the developer been able to work together, the problem could have been alleviated or made easier had the water responsibilities been defined and spelled out. Mr. Norseth reported that they handle more than 30 water changes every day, most in subdivisions, and that they are working on this problem. George Vandenberghe then asked if every well had to have a meter on it, and Mr. Norseth reported that they did. Clemont then stated that the biggest problem is with five and ten acre rights and that none of these are metered.



Ivan Matheson then discussed enforcement. He stated that water rights are not a problem of County enforcement and that they have no jurisdiction on this. He further stated that perhaps subdivision ordinances should include water responsibilities. Mr. Norseth agreed that it is not a County problem and that subdivision planning should include an adequate water supply and that the County should not let a subdivision in that does not have an adequate water supply. Brent Hunter asked if the State Engineer had jurisdiction over a well, and Mr. Norseth said that they have jurisdiction over the wells but not the people. Mr. Norseth said that it is not his responsibility nor the County Commission's responsibility, but that it is everyone's responsibility; it is a joint problem to work on together.

Jerry Bryant suggested that the pumpers association is not strong and that we should all work together. Dr. Prestwich suggested that they need to have a meeting and that Dr. Beal should call a meeting of all the pumpers and iron things out. Jerry Bryant asked for a motion to have Dr. Beal call the pumpers together. Dr. Prestwich made a motion to have someone ask Dr. Beal to have a meeting and get the pumpers together. (This motion was later withdrawn.) Richard Leigh asked if that meeting had to be called by Dr. Beal. It was reported that Dr. Beal is the president of the pumpers association and must be in charge of calling the meeting. Richard Leigh then asked for how long Dr. Beal was elected, and suggested that since he was not at this meeting, that something be resolved here. Jerry Bryant asked if the meeting could be called by the State Engineer, and Mr. Norseth said that it should not be called by him. Louis Webster said that this was always how it had been and that nothing had been accomplished. Brent Hunter suggested that things be taken care of right now. Dr. Prestwich suggested that Jerry Bryant could call the meeting. Clemont then asked if they thought they had the right to call a meeting without letting the pumpers know about it. He then went on to suggest that a committee be formed to approach Dr. Beal and ask him to hold a meeting. Clemong suggested that George Vandenberghe be the chairman of the original committee to approach Dr. Beal. Dr. Prestwich then made the motion that Louis Webster and George Vandenberghe approach Dr. Beal about having the meeting and calling the pumpers together. Ramon Prestwich seconded this motion, and it was unanimously passed.

Jerry Bryant then asked concerning the gauges and wondered if the weirs and headgates were not repaired if the wells could be turned off. Clemont reported that they can still be measured, but it is more difficult. Jerry Bryant suggested that in order for Clemont's report to be accurate, the measuring devices should be accurate. Clemont reported that they are accurate and that this is just a recommendation that they be shut off. Jerry Bryant suggested that the new officers of the organization get together and work on gaugeing problems.

Howard Nelson asked about the diversion dam experts from the Soil Conservation Service. Ivan Matheson reported that the Corps of Engineers have been asked to come in here and that the Soil Conservation Service worked at it diligently. Jerry Bryant suggested that it may be three years before we get a new dam and that we get the present one repaired. Howard Nelson suggested that perhaps we should get the State to go with us on it. Ivan Matheson said that it is being worked on and that they realize it is one of the worst watershed problems in the State.

Nominations were then opened for the officers and directors of the Cedar Valley Water Users Association. Ramon Prestwich nominated Bud Garfield. Jerry Bryant said that Ren Luke had asked for a new board, but that he would probably take the position again. Clemont said that he did not feel Ren wanted it, but Louis Webster said that Ren would still want it. Jerry Bryant reported that the present board consisted of Ren Luke, Jerry Bryant, and Wallace Kay Smith. Clemont reported that the Executive Board consists of three men, but the general water users board consists of the Executive Board and the presidents of the companies. Dr. Prestwich nominated Ren Luke, Jerry Bryant and Bud Garfield, and then moved that nominations cease. Louis

Webster seconded the motion, and it was unanimously passed.

Meeting adjourned at 10:00 P.M.

The Executive Committee met at the conclusion of the general meeting. Ren Luke was named as chairman, with Jerry Bryant as Vice Chairman.